

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FRANCISCO CARRILLO,
Plaintiff,

v.

NAPA POLICE DEPARTMENT, et al.,
Defendants.

Case No. [21-cv-02094-YGR](#) (PR)

**ORDER OF DISMISSAL WITHOUT
PREJUDICE**

On March 25, 2021, Plaintiff, who was formerly in custody at the Napa County Department of Corrections (“NCDC”), filed the present *pro se* prisoner complaint under 42 U.S.C. § 1983. Plaintiff also filed a prisoner’s application to proceed *in forma pauperis* (“IFP”) and a motion for appointment of counsel. Dkts. 2, 5.

On that same date, the Clerk of the Court sent two notifications to Plaintiff informing him that: (1) his case had been assigned to a Magistrate Judge; and (2) he had not paid the filing fee and the IFP application he submitted was incomplete (he had not submitted his Certificate of Funds and six-month prisoner trust account statement). Dkts. 3, 4. The Clerk provided Plaintiff with a blank IFP application form, along with a return envelope, instructions, and a notification that the case would be dismissed if Plaintiff failed to pay the fee or file the completed application within twenty-eight days.

On April 7, 2021, Plaintiff filed a notice of change of address, indicating that he had been released from custody and was “currently at 11 Lena Dr., American Canyon, CA 94503.” Dkt. 6.

On April 22, 2021, mail including the aforementioned Clerk’s notices sent to Plaintiff at NCDC was returned to the Court as undeliverable with the notation: “Not in custody.” Dkt. 7. Thereafter, the Clerk resent the notification to Plaintiff (at his new address) informing him that he had not paid the filing fee and the IFP application he submitted was incomplete.

On April 27, 2021, the Clerk sent Plaintiff (at his new address) a “Notice of Impending Reassignment to a United States District Court Judge.” Dkt. 8. On April 28, 2021, this case was reassigned to the undersigned judge. Dkt. 9.

On June 11, 2021, the Clerk sent a second notice to Plaintiff, informing him that he needed to complete a *non-prisoner* IFP application form. Dkt. 10. The Clerk further informed him that his action could not go forward until he completed and returned the non-prisoner IFP application form within twenty-eight days, and that his failure to do so would result in dismissal of this action.

More than twenty-eight days have passed, and Plaintiff has not filed his non-prisoner IFP form. Accordingly, this action is DISMISSED WITHOUT PREJUDICE. Plaintiff’s pending IFP application is DENIED as incomplete. Dkt. 2. The Clerk shall close the file and terminate all pending motions as moot, including his motion for appointment of counsel. Dkt. 5.

This Order terminates Docket Nos. 2 and 5.

IT IS SO ORDERED.

Dated: July 30, 2021


JUDGE YVONNE GONZALEZ ROGERS
United States District Judge